

REMARKS

In the Office Action of April 14, 2008, Applicants were reminded that appendix to the specification is allegedly improper because it is not a computer program listing. In addition, the specification was objected to as allegedly failing to provide antecedent basis for the claimed subject matter, i.e., the term “*computer storage medium*.” Furthermore, claim 30 was rejected on the ground of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claim 1 of U.S. Patent N. 6,704,859. Lastly, claims 30-32 were rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 5,027,272 (“Samuels”).

With respect to the appendix to the specification, Applicants are not aware of any requirement that the appendix can only include a computer program listing. Thus, Applicants respectfully assert that the current appendix to the specification is proper. However, if the Examiner is aware of such a requirement, Applicants respectfully request the Examiner to specify the requirement.

With respect to the objection to the specification, Applicants respectfully note that MPEP Section 2173.05(e) states the following:

“The mere fact that a term or phrase used in the claim has no antecedent basis in the specification disclosure does not mean, necessarily, that the term or phrase is indefinite. There is no requirement that the words in the claim must match those used in the specification disclosure. Applicants are given a great deal of latitude in how they choose to define their invention so long as the terms and phrases used define the invention with a reasonable degree of clarity and precision.”

In the case at hand, it is readily apparent that the term “*computer storage medium*” can be used to describe any sort of computer memory or storage. Thus, Applicants respectfully request that the specification objection with respect to the term “*computer storage medium*” be withdrawn.

With respect to the nonstatutory obviousness-type double patenting rejection of claim 30, Applicants respectfully assert that claim 30 is not obvious over claim 1 of

‘859. The Office Action correctly states that claim 1 of ‘859 “does not disclose the second instruction compressed according to first field in the first instruction as in current claim 30.” In fact, claim 1 of ‘859 does not disclose any format field in the first instruction. The claim 1 of ‘859 merely recites “a scheme where formats are assigned to instructions according to features of the instructions.” Since claim 1 of ‘859 does not disclose any format field in the first instruction, claim 30 is not obvious over claim 1 of ‘859. Thus, Applicants respectfully request that the nonstatutory obviousness-type double patenting rejection of claim 30 be withdrawn.

With respect to the Section 102 rejections of claims 30-32, Applicants respectfully assert that claim 30 is not anticipated by the cited reference of Samuels, as explained below. In view of the following remarks, Applicants respectfully request the allowance of pending claims 30-32.

A. Patentability of Independent Claim 30

The independent claim 30 recites “*a first instruction including a first format field that specifies an instruction compression format*” and “*a second instruction, following the first instruction, that is compressed according to the first format field in the first instruction,*” which are not disclosed in the cited reference of Samuels. Thus, the independent claim 30 is not anticipated by the cited reference of Samuel. As such, Applicants respectfully request that the independent claim 30 be allowed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The Office Action on page 4 alleges that the cited reference of Samuels teach “a first instruction (MOV <LOAD.S R3,R0>, EAX) including a first format field [S] that specifies an instruction compression format [S] (See B double precision vector in table 1, col. 6, lines 40-52).” As explained in column 1, lines 37-39, of Samuels, a

single precision vector is a vector with each vector element containing 32 bits and a double precision vector is a vector with each vector element containing 64 bits. Applicants respectfully note that the “.S” in the instruction (MOV <LOAD.S R3,R0>, EAX) merely indicates single precision, not a field in the instruction. Furthermore, the single precision does not specify an instruction compression format, i.e., the compression format of an instruction. Rather, the single precision refers to the manner in which a vector element is transferred, i.e., “[e]ach load command moves an element half from the 80386 to the 1167,” as described in column 4, lines 26-27, of Samuels. Thus, the cited reference of Samuels does not disclose “*a first instruction including a first format field that specifies an instruction compression format,*” as recited in the independent claim 30.

The Office Action on page 4 alleges that the cited reference of Samuels teach “a second instruction (LOAD.S R3,R0), following the first instruction [MOV], that was compressed according to the first format field [S] in the first instruction [MOV] (see single precision vector had 32 bit compared to double precision of 64 bits in col. 1, lines 35-39, see 1167 single precision load commands generated by 80386 instructions in Table 1, col. 4, lines 18-29).” Applicants note herein that 32 bits and 64 bits refer to the vector elements being transferred, NOT the instructions to move or load the elements. Thus, the cited reference of Samuels does not disclose “*a second instruction, following the first instruction, that is compressed according to the first format field in the first instruction,*” as recited in the independent claim 30.

Since the cited reference of Samuels et al. fails to disclose the claimed “*first instruction*” element and the claimed “*second instruction*” element, the independent claim 30 is not anticipated by the cited reference of Samuels. As such, Applicants respectfully request that the independent claim 30 be allowed.

B. Patentability of Dependent Claims 31 and 32

Each of the dependent claims 31 and 32 depends on the independent claim 30. As such, these dependent claims include all the limitations of the independent claim 30. Therefore, Applicants submit that these dependent claims are allowable for the

same reasons as the independent claim 30. Furthermore, these dependent claims may be allowable for additional reasons.

Applicants respectfully request reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,
Jacobs et al.

Date: July 14, 2008

By: /thomas h. ham/
Thomas H. Ham
Registration No. 43,654
Telephone: (925) 249-1300